

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16141 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

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1. Suraj Kumar Son of Subodh Mandal Resident of village- Siyargarh, P.S.- Goradih, District- Bhagalpur.
 2. Suraj Kumar Siyargarh

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners have antecedent of three cases and allegation is of recovery of 10 liters of liquor from a hut behind the house of Subodh Mandal and 10 liters of liquor from the road in front of the house of Subodh Mandal.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and and even the



alleged recovery is from a place which does not belong to the petitioner and he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value. It is next submitted that it appears that the police, in order to save the real culprits, falsely implicated the petitioners taking advantage of their antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jagdishpur (Goradih) P.S. Case No. 338 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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